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Co-Counsel for Debtors and

Debtors in Possession

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

CYXTERA TECHNOLOGIES, INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 23-14853 (JKS)

(Jointly Administered)

**NOTICE OF FILING SECOND AMENDED PLAN
SUPPLEMENT FOR THE FOURTH AMENDED JOINT PLAN OF
REORGANIZATION OF CYXTERA TECHNOLOGIES, INC. AND ITS
DEBTOR AFFILIATES PURSUANT TO CHAPTER 11 OF THE BANKRUPTCY CODE**

PLEASE TAKE NOTICE that, as contemplated by the *Fourth Amended Joint Plan of Reorganization of Cyxtera Technologies, Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 694] (as may be amended or modified from time to time and

¹ A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors' claims and noticing agent at <https://www.kccllc.net/cyxtera>. The location of Debtor Cyxtera Technologies, Inc.'s principal place of business and the Debtors' service address in these chapter 11 cases is: 2333 Ponce de Leon Boulevard, Ste. 900, Coral Gables, Florida 33134.

including all exhibits and supplements thereto, the “Plan”),² on November 2, 2023, the above-captioned debtors and debtors in possession (collectively, the “Debtors”) filed the *Notice of Filing Plan Supplement for the Third Amended Joint Plan of Reorganization of Cyxtera Technologies, Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 650] (the “Plan Supplement”), and on November 16, 2023, the Debtors filed the *First Amended Plan Supplement for the Fourth Amended Joint Plan of Reorganization of Cyxtera Technologies, Inc. and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 713] (the “First Amended Plan Supplement”) with the United States Bankruptcy Court for the District of New Jersey (the “Bankruptcy Court”).

PLEASE TAKE FURTHER NOTICE that, on November 17, 2023, the Court entered the *Revised Findings of Fact, Conclusions of Law, and Order Confirming the Fourth Amended Joint Plan of Reorganization of Cyxtera Technologies, Inc. and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 718] (the “Confirmation Order”).

PLEASE TAKE FURTHER NOTICE that the Debtors hereby file this amendment to the Plan Supplement (this “Second Amended Plan Supplement”) in support of the Plan.

PLEASE TAKE FURTHER NOTICE that the Second Amended Plan Supplement includes current drafts of the following documents (certain of which continue to be negotiated pursuant to the terms of the Plan, the RSA, and the Purchase Agreement by the Debtors, the Required Consenting Term Lenders, the Purchaser, and the Committee, as applicable, and will be filed in substantially final form on or prior to the Effective Date):

Exhibit C	Draft Schedules of Assumed and Rejected Executory Contracts and Unexpired Leases
Exhibit C-2	Draft Schedule of Rejected Executory Contracts and Unexpired Leases
Exhibit C-2a	Redline to Previously Filed Draft Schedule of Rejected Executory Contracts and Unexpired Leases

PLEASE TAKE FURTHER NOTICE that the Debtors reserve all rights, with the consultation or consent of any applicable counterparties to the extent required under the Plan, the RSA, or the Purchase Agreement, to alter, amend, modify, or supplement the Second Amended Plan Supplement and any of the documents contained herein in accordance with the terms of the Plan, the RSA, and the Purchase Agreement; *provided* that if any document in this Second Amended Plan Supplement is altered, amended, modified, or supplemented in any material respect prior to the Effective Date, the Debtors will file a redline of such document with the Bankruptcy Court. The final version of any such document may contain material differences from the version filed herewith. For the avoidance of doubt, the parties thereto have not consented to such document as being in final form and reserve all rights in that regard.

PLEASE TAKE FURTHER NOTICE that the documents contained in the Second Amended Plan Supplement are integral to, and are considered part of, the Plan.

² Capitalized terms used but not defined in herein have the meanings given to them in the Plan.

PLEASE TAKE FURTHER NOTICE that copies of the Plan, Confirmation Order, Disclosure Statement, Plan Supplement, and First Amended Plan Supplement, are accessible now, free of charge, on the Debtors' restructuring website, <https://www.kccllc.net/cyxtera>, and upon request of the Debtors' co-counsel, Kirkland & Ellis LLP and Cole Schotz P.C., at the respective addresses specified herein.

PLEASE TAKE FURTHER NOTICE that copies of all documents filed in these chapter 11 cases are available free of charge by visiting <https://www.kccllc.net/cyxtera>. You may also obtain copies of any pleadings by visiting the Court's website at <https://ecf.njb.uscourts.gov> in accordance with the procedures and fees set forth therein.

Dated: December 11, 2023

/s/ Michael D. Sirota

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**SECOND AMENDED PLAN
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PLAN OF REORGANIZATION OF CYXTERA TECHNOLOGIES, INC. AND ITS
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Table of Contents²

- Exhibit C** Draft Schedule of Assumed and Rejected Executory Contracts and Unexpired Leases
- Exhibit C-2** Draft Schedule of Rejected Executory Contracts and Unexpired Leases
- Exhibit C-2a** Redline to Previously Filed Draft Schedule of Rejected Executory Contracts and Unexpired Leases

² Capitalized terms used but not defined in herein have the meanings given to them in the Plan.

Exhibit C

Draft Schedules of Assumed and Rejected Executory Contracts and Unexpired Leases

The Debtors have included a schedule of Executory Contracts and Unexpired Leases that they intend to assume as of the Effective Date or assume and assign in accordance with the Purchase Agreement and the Plan's treatment of Executory Contracts and Unexpired Leases. The Debtors reserve their rights to alter, amend, modify, or supplement this **Exhibit C** with the consent of the Purchaser and consistent with the Purchase Agreement.

Certain documents, or portions thereof, contained or to be contained in this **Exhibit C** and the Second Amended Plan Supplement remain subject to continued review, as applicable, by the Debtors, the Required Consenting Term Lenders, the Purchaser, and the Committee, and the final version of any such document may contain material differences from the version filed herewith. For the avoidance of doubt, the parties thereto have not consented to such document as being in final form and reserve all rights in that regard. The respective rights of the Debtors, the Required Consenting Term Lenders, the Purchaser, and the Committee, as applicable, are expressly reserved, subject to the terms and conditions set forth in the Plan, the Confirmation Order, the RSA, and the Purchase Agreement (including certain consent and approval rights), to alter, amend, modify, or supplement the Second Amended Plan Supplement and any of the documents contained therein in accordance with the terms of the Plan, the Confirmation Order, the RSA, and the Purchase Agreement, or by any other order of the Bankruptcy Court; *provided* that if any document in this Second Amended Plan Supplement is altered, amended, modified, or supplemented in any material respect prior to the Effective Date, the Debtors will file a redline of such document with the Bankruptcy Court.

Article V of the Plan, as approved by the Confirmation Order, provides that each Executory Contract or Unexpired Lease not previously rejected, assumed, or assumed and assigned shall (i) in the event of an Equity Investment Transaction or a Recapitalization Transaction, be deemed assumed or assumed and assigned, as applicable; or (ii) in the event of an Asset Sale, be (a) assumed or assumed and assigned to the Purchaser or a designee in accordance with the Purchase Agreement, as applicable, if it is listed on the Schedule of Assumed Executory Contracts and Unexpired Leases; (b) assumed and assigned to the Purchaser or a designee in accordance with the Purchase Agreement if it is not listed on either the Schedule of Assumed Executory Contracts and Unexpired Leases or the Schedule of Rejected Executory Contracts and Unexpired Leases and does not relate exclusively to Excluded Assets or Excluded Liabilities; or (c) rejected if it is (x) listed on the Schedule of Rejected Executory Contracts and Unexpired Leases or (y) not listed on either the Schedule of Assumed Executory Contracts and Unexpired Leases or the Schedule of Rejected Executory Contracts and Unexpired Leases and relates exclusively to the Excluded Assets or Excluded Liabilities. For the avoidance of doubt, the foregoing shall not affect any Executory Contract or Unexpired Lease that is (i) explicitly designated by the Plan or the Confirmation Order to be assumed or assumed and assigned, as applicable, in connection with the Confirmation of the Plan; (ii) subject to a pending motion to assume such Executory Contract or Unexpired Lease as of the Effective Date; (iii) a D&O Liability Insurance Policy; or (iv) a contract, instrument, release, indenture, or other agreement or document entered into in connection with the Plan. The assumption of Executory Contracts and Unexpired Leases hereunder may include the assignment of certain of such contracts to Affiliates.

Exhibit C-2

Draft Schedule of Rejected Executory Contracts and Unexpired Leases

Draft Schedule of Rejected Executory Contracts and Unexpired Leases

Debtor	Counter Party Name	Description
Cyxtera DC Holdings, Inc	1111 Comstock Property, LLC	Lease guarantee for 1111 Comstock Street, Santa Clara - Powered Shell Lease Agreement
Cyxtera DC Holdings, Inc	1231 Comstock Property, LLC	Lease guarantee for 1231 Comstock Street, Santa Clara - Powered Shell Lease Agreement
Cyxtera Communications, LLC	ABM Industry Groups, LLC	Procurement Standard Terms and Conditions
Cyxtera Netherlands B.V.	AFS Transport (Rotterdam) B.V.	Agreement/Authorisation to Act as Direct Representative
Cyxtera Technologies, LLC	Angelo Paone Électrique Inc.	Mutual Confidentiality and Nondisclosure Agreement
Cyxtera Communications Canada, ULC	Angelo Paone Électrique Inc.	Procurement Standard Terms and Conditions
Cyxtera Technologies, LLC	AuditBoard, Inc.	Amendment No. 3 to the Subscription Agreement Dated November 27, 2018
Cyxtera Technologies, LLC	AuditBoard, Inc.	Amendment No. 4 to the Subscription Agreement Dated November 27, 2018
Cyxtera Technologies, LLC	AuditBoard, Inc.	Amendment to the Subscription Agreement Dated May 27, 2023
Cyxtera Technologies, Inc.	Auditboard, Inc.	Subscription Agreement
Cyxtera Technologies, LLC	Buckeye Landscape Service, Inc.	Mutual Confidentiality and Nondisclosure Agreement
Cyxtera Communications, LLC	Buckeye Landscape Service, Inc.	Procurement Standard Terms and Conditions
Cyxtera Communications, LLC	Buckeye Landscape Service, Inc.	Procurement Standard Terms and Conditions
Cyxtera Technologies, Inc	Calculated Research & Technology	Master Reseller Agreement
Cyxtera Technologies, Inc.	Citigroup Global Markets Inc.	Engagement Letter
Cyxtera Technologies, Inc	Collins Building Services, Inc.	Mutual Confidentiality and Nondisclosure Agreement
Cyxtera Communications, LLC	Collins Building Services, Inc.	Procurement Standard Terms and Conditions
Cyxtera Communications, LLC	Colo Advisor, LLC	REFERRAL AGREEMENT
Cyxtera Management, Inc.	Corporation Service Company (CSC)	Domain hosting agreement
Cyxtera Federal Group, Inc	CTG Federal LLC	FEDERAL RESELLER AGREEMENT
Cyxtera Communications, LLC	Curbside Landscape & Irrigation, Inc.	Procurement Standard Terms and Conditions
Cyxtera Communications, LLC	Curbside Landscape & Irrigation, Inc.	Snow and Ice Management Addendum #1
Cyxtera Netherlands B.V.	Cyrus One	Turn Key Datacenter Lease (9/30/2019)
Cyxtera Netherlands B.V.	Cyrus One	Variation and Waiver Agreement (9/30/2019)
Cyxtera Netherlands B.V.	CyrusOne AMS3 B.V.	General Terms and Conditions

Cyxtera Netherlands B.V.	CyrusOne AMS3 B.V.	Turn Key Datacenter Lease
Cyxtera Netherlands B.V.	CyrusOne AMS3 B.V.	Variation and Waiver Agreement to Turn Key Datacenter Lease
Cyxtera DC Holdings, Inc	CyrusOne AMS3, B.V.	Lease guarantee for Linieweg 1, Halfweg - TKD Lease
Cyxtera Netherlands B.V.	DC Squad B.V. t/a DC People	Procurement Standard Terms and Conditions
Cyxtera Technologies, LLC	Demandbase, Inc.	Order Form - dated April 28, 2023 / Q - 60501 - 2
Cyxtera Technologies, LLC	Demandbase, Inc.	Order Form - dated May 5, 2023 / Q - 63523 - 1
Cyxtera Netherlands B.V.	DGTE B.V.	Partner Agreement
Cyxtera Netherlands B.V.	DGTE B.V.	Partner Agreement
Cyxtera Netherlands B.V.	DGTE BV	Mutual Confidentiality and Nondisclosure Agreement
Cyxtera Netherlands B.V.	DGTE BV	Procurement Standard Terms & Conditions
Cyxtera Technologies, LLC	Diligent Corporation	Order Form
Cyxtera Technologies, Inc.	Diligent Corporation	Service Agreement Amendment
Cyxtera Technologies, LLC	DNA Cleaning Inc	Mutual Confidentiality and Nondisclosure Agreement
Cyxtera Communications, LLC	DNA Cleaning Inc	Procurement Standard Terms and Conditions
Cyxtera Management, Inc.	Elevate Consult LLC	Procurement Standard Terms and Conditions
Cyxtera Management, Inc.	Elevate Consult, LLC	GRC Tasks Proposal 2022 Pursuant to Procurement Standard Terms and Conditions Dated March 22, 2021
Cyxtera Technologies, Inc	Elevate Consult, LLC	Mutual Confidentiality and Nondisclosure Agreement
Cyxtera Management, Inc.	Elevate Consult, LLC	User Access Reviews Proposal for Cyxtera
Cyxtera Communications, LLC	Equinix do Brasil Soluções De Tecnologia em I	Agreement For Rendering of Services, Leasing and Assignment of Usage Rights (2/3/2011)
Cyxtera Communications, LLC	Equinix do Brasil Soluções De Tecnologia em I	Amendment to Agreement for Rendering Services, Leasing and Assignment of Usage Rights and Commercial Proposal # 1 (5/9/2013)
Cyxtera Communications, LLC	Equinix do Brasil Soluções De Tecnologia em I	Commercial Proposal #1, Annex 1 Infrastructure (10/6/2010)
Cyxtera Management, Inc.	H&CO, LLP	Letter re: Statement of Work
Cyxtera Federal Group, Inc	Immix Group	Aggregation Agreement
Cyxtera Communications, LLC	Infinite Computer Solutions, Inc.	REFERRAL AGREEMENT
Cyxtera Management, Inc.	Influ2 Inc	Influ2 Terms of Service
Cyxtera Management, Inc.	Influ2 Inc	Order Form #1
Cyxtera Technologies, LLC	Informatica LLC	Quote for Subscription Support Renewal
Cyxtera Communications Canada, ULC	Jani-King of Southern Ontario	Procurement Standard Terms and Conditions
Cyxtera Technologies, LLC	Kimco Facility Services, LLC	Mutual Confidentiality and Nondisclosure Agreement

Cyxtera Management, Inc.	Lazard Freres & Co	Engagement Letter Dated December 23 2022
Cyxtera Management, Inc.	Lazard Freres & Co	Letter Agreement Dated December 23 2022
Cyxtera Communications Canada, ULC	Manufacturers Life Insurance Company	Service and fee agreement
Cyxtera Technologies, LLC	Marsden Bldg Maintenance, L.L.C.	Mutual Confidentiality and Nondisclosure Agreement
Cyxtera Communications, LLC	Marsden Bldg Maintenance, L.L.C.	Procurement Standard Terms & Conditions
Cyxtera Technologies, LLC	MASH Services of Illinois, Inc. d.b.a. Code Pes	Mutual Confidentiality and Nondisclosure Agreement
Cyxtera Communications, LLC	MASH Services of Illinois, Inc. d.b.a. Code Pes	Procurement Standard Terms & Conditions
Cyxtera Netherlands B.V.	Meijers Assurantien B.V.	Service Level Agreement (SLA) Employee Benefits
Cyxtera DC Holdings, Inc.	Moody's Investors Service, Inc.	Application for Moody's Rating Assessment Service
Cyxtera Technologies, Inc.	Morgan Stanley & Co. LLC	Engagement Letter
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Cyxtera Federal Group, Inc.	Phronesis Research LLC	Incentivized Consultant Agreement
Cyxtera Federal Group, Inc	Phronesis Research LLC	Mutual Confidentiality and Nondisclosure Agreement
Cyxtera Federal Group, Inc.	Phronesis Research LLC	Procurement Standard Terms and Conditions
Cyxtera Technologies, LLC	Rentokil North America DBA Western Exterm	Mutual Confidentiality and Nondisclosure Agreement
Cyxtera Netherlands B.V.	Royale Europe	Agreement/authorisation to act as direct representative
Cyxtera Technologies, LLC	S&P Global Market Intelligence, LLC	451 Research Statement of Work to S&P Licensed Professional Services Agreement
Cyxtera Communications, LLC	S&P Global Market Intelligence, LLC	Reinstatement & Amendment 451 Agreement to the Subscription Agreement Dated June 20, 2017
Cyxtera Technologies, LLC	S&P Global Market Intelligence, LLC	S&P Licensed Professional Service Agreement
Cyxtera Technologies, Inc.	Spoon Exhibit and Events	Final Invoice dated May 19, 2023 / S - 11573 - 22
Cyxtera Technologies, Inc.	Spoon Exhibit and Events	Final Invoice dated May 19, 2023 / S - 11574 - 22
Cyxtera Technologies, Inc.	Spoon Exhibit and Events	Statement of Work Dated March 29, 2022
Cyxtera Technologies, Inc	Spoon Exhibit Services, LLC	Mutual Confidentiality and Nondisclosure Agreement
Cyxtera Management, Inc.	Spoon Exhibit Services, LLC	Procurement Standard Terms and Conditions
Cyxtera Management, Inc.	Sullivan & Cromwell, LLP	Engagement Letter
Cyxtera Netherlands B.V.	Tech Data	TechData Credit Application
Cyxtera Netherlands B.V.	Workrate B.V.	Agreement for the provision of security services
Cyxtera Management Inc	Zenab Abbas	Cyxtera Consulting Agreement
Cyxtera Technologies, LLC	Zoho Corporation	Mutual Confidentiality and Nondisclosure Agreement
Cyxtera Management, Inc.	Zoho Corporation	Software License Agreement
Cyxtera Management, Inc.	Zoho Corporation Pvt. Ltd. And affiliates	Software License Agreement

Exhibit C-2a

**Redline to Previously Filed Draft Schedule of
Rejected Executory Contracts and Unexpired Leases**

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Cyxtera Technologies, Inc	Calculated Research & Technology	Master Reseller Agreement
<u>Cyxtera Technologies, Inc.</u>	<u>Citigroup Global Markets Inc.</u>	<u>Engagement Letter</u>
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Cyxtera Federal Group, Inc.	Phronesis Research LLC	Procurement Standard Terms and Conditions
<u>Cyxtera Technologies, LLC</u>	<u>Rentokil North America DBA Western Exterminator Company</u>	<u>Mutual Confidentiality and Nondisclosure Agreement</u>
Cyxtera Netherlands B.V.	Royale Europe	Agreement/authorisation to act as direct representative
Cyxtera Technologies, LLC	S&P Global Market Intelligence, LLC	451 Research Statement of Work to S&P Licensed Professional Services Agreement
Cyxtera Communications, LLC	S&P Global Market Intelligence, LLC	Reinstatement & Amendment 451 Agreement to the Subscription Agreement Dated June 20, 2017
Cyxtera Technologies, LLC	S&P Global Market Intelligence, LLC	S&P Licensed Professional Service Agreement
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Cyxtera Management, Inc.	Spoon Exhibit Services, LLC	Procurement Standard Terms and Conditions

Cyxtera Management, Inc.

Cyxtera Netherlands B.V.

Cyxtera Netherlands B.V.

Cyxtera Management Inc

Cyxtera Technologies, LLC

Cyxtera Management, Inc.

Cyxtera Management, Inc.

Sullivan & Cromwell, LLP

Tech Data

Workrate B.V.

Zenab Abbas

Zoho Corporation

Zoho Corporation

Zoho Corporation Pvt. Ltd. And affiliates

Engagement Letter

TechData Credit Application

Agreement for the provision of security services

Cyxtera Consulting Agreement

Mutual Confidentiality and Nondisclosure Agreement

Software License Agreement

Software License Agreement